

Remarks

Applicants thank the Examiner for reconsidering and withdrawing several of the prior claim rejections. Regarding the pending rejections, claims 9, 40, 41, 57 and 58 have been amended to clarify the claim language. Support for the amendment to claims 9, 41, 57 and 58 can be found in the specification at page 16, and in the claims in the recitation of the amplification of portions of certain sequences. A portion of an amino acid sequence amplified by nonoverlapping primers (as required by the claims) of at least 12 nucleotides in length is 8 amino acids, which represents the translation of 24 nonoverlapping nucleotides (12 from the 5' primer and 12 from the 3' primer). Support for the amendment to claim 40 can be found in the specification at page 13, which describes the use of antisense oligonucleotides "particularly for therapeutic purposes," thereby suggesting the use for non-therapeutic. No new matter has been added.

Rejections Under 35 U.S.C. 112, First Paragraph

The Examiner rejected claim 40 under 35 U.S.C. 112, first paragraph as not enabled. Applicants have amended claim 40 to limit the claim to *in vitro* uses, and therefore respectfully request reconsideration.

Rejections Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 9, 41, 57 and 58 under 35 U.S.C. 112, second paragraph as indefinite for the use of the phrase "at least a portion." Applicants have amended the claims to recite the meaning of the claim term "portion".

Claims 9 and 41 recited a portion of an amino acid sequence. These claims were amended to recite a portion at least 8 amino acids in length, which represents the smallest amplifiable portion of an amino acid sequence by two nonoverlapping primers that have at least 12 nucleotides each. Similarly, claims 57 and 58 were amended to recite that the amplified portion of the claimed nucleotide sequences was at least 24 nucleotides in length which represents the smallest amplifiable portion of a nucleotide sequence by two nonoverlapping primers that have at least 12 nucleotides each.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections made under 35 U.S.C. 112, second paragraph.

Applicants respectfully request reconsideration of the claims in view of the amendments and reasoned statements made above. If the Examiner wishes to advance the prosecution in any way, or if the amendment is unclear, then the Examiner is invited to telephone the undersigned at the telephone number listed below.

Respectfully submitted,


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Amended Claims

9.(twice amended) An isolated nucleic acid molecule selected from the group consisting of:

(a) a unique fragment of the nucleotide sequence set forth as nucleotides 1-1997 of SEQ ID NO:38 between 12 and 1996 nucleotides in length, which encodes a portion of SEQ ID NO:39, wherein the portion of SEQ ID NO:39 is at least 8 amino acids in length,

(b) a unique fragment of the nucleotide sequence set forth as nucleotides 1-2442 of SEQ ID NO:43 between 12 and 2441 nucleotides in length, which encodes a portion of SEQ ID NO:44, wherein the portion of SEQ ID NO:44 is at least 8 amino acids in length, and

(c) complements of (a) and (b), wherein the unique fragment excludes nucleic acid molecules completely composed of the nucleotide sequences of GenBank accession numbers U89672 or AA213817.

40.(twice amended) A composition comprising:

an antisense nucleic acid which binds in vitro to a tumor associated nucleic acid which hybridizes under stringent conditions to a nucleic acid molecule having a nucleotide sequence selected from the group consisting of SEQ ID NO:38 and SEQ ID NO:43, (and reduces the expression of the tumor associated nucleic acid in vitro.)

41.(thrice amended) A kit for detecting the presence of the expression of a tumor associated polypeptide precursor which encodes a portion of SEQ ID NO:39, comprising a first isolated nucleic acid molecule consisting of a 12-32 nucleotide contiguous segment of SEQ ID NO:38, and a second isolated nucleic acid molecule consisting of a 12-32 nucleotide contiguous segment of the complement of SEQ ID NO:38, wherein the contiguous segments are nonoverlapping, and wherein the portion of SEQ ID NO:39 is at least 8 amino acids in length.

57.(amended) The kit of claim 41, wherein the first and the second isolated nucleic acid molecules are constructed and arranged to selectively amplify at least a portion of an isolated nucleic acid molecule comprising SEQ ID NO:38, wherein the portion of SEQ ID NO:38 is at least 24 nucleotides in length.

58.(amended) The kit of claim 43, wherein the first and the second isolated nucleic acid molecules are constructed and arranged to selectively amplify at least a portion of an isolated nucleic acid molecule comprising SEQ ID NO:43, wherein the portion of SEQ ID NO:38 is at least 24 nucleotides in length.